

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Development of Nationwide Broadband Data)	
to Evaluate Reasonable and Timely)	
Deployment of Advanced Services to All)	
Americans, Improvement of Wireless)	WC Docket No. 07-38
Broadband Subscribership Data, and)	
Development of Data on Interconnected)	
Voice over Internet Protocol (VoIP))	
Subscribership)	

COMMENTS OF THE NEW JERSEY DIVISION OF RATE COUNSEL

**RONALD K. CHEN
PUBLIC ADVOCATE**

**STEFANIE A. BRAND
DIRECTOR**

Division of Rate Counsel
31 Clinton Street, 11th Floor
P.O. Box 46005
Newark, NJ 07101
(973) 648-2690 - Phone
(973) 624-1047 – Fax
www.rpa.state.nj.us
njratepayer@rpa.state.nj.us

On the Comments:
Christopher J. White, Esq.
Deputy Public Advocate

July 17, 2008

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)	
)	
Development of Nationwide Broadband)	
Data to Evaluate Reasonable and Timely)	
Deployment of Advanced Services to All)	
Americans, Improvement of Wireless)	WC Docket No. 07-38
Broadband Subscribership Data, and)	
Development of Data on Interconnected)	
Voice over Internet Protocol (VoIP))	
Subscribership)	

COMMENTS OF THE NEW JERSEY DIVISION OF RATE COUNSEL

I. INTRODUCTION

In response to the *Report and Order and Further Notice of Proposed Rulemaking* (“FNPRM”) released June 12, 2008,¹ by the Federal Communications Commission (“FCC” or “Commission”), and to the Commission’s Public Notice released July 2, 2008,² the New Jersey Division of Rate Counsel (“Rate Counsel”)³ submits its comments to support and contribute to

¹ / *In the Matter of Development of Nationwide Broadband Data to Evaluate Reasonable and Timely Deployment of Advanced Services to All Americans, Improvement of Wireless Broadband Subscribership Data, and Development of Data on Interconnected Voice over Internet Protocol (VoIP) Subscribership*, WC Docket No. 07-38, Report And Order And Further Notice Of Proposed Rulemaking, FCC 08-89, released June 12, 2008 (“Form 477 Order and FNPRM”).

² / A summary of the Commission’s *Form 477 Order and FNPRM* was published in the Federal Register on July 2, 2008, triggering the cycle for comments and reply comments for various data gathering issues. 73 FR 37689 (July 2, 2008). Mapping issues are being addressed on an expedited schedule, with initial and reply comments due July 17, 2008 and August 1, 2008, respectively. For the other issues, initial and reply comments are due August 1, 2008 and September 1, 2008. WC Docket No. 07-38, FCC Public Notice DA 08-1586, “Comment and Reply Comment Dates Established for the Form 477 Further Notice of Proposed Rulemaking,” released July 2, 2008.

³ / Rate Counsel is an independent New Jersey State agency that represents and protects the interests of all utility consumers, including residential, business, commercial, and industrial entities. Rate Counsel participates actively in relevant Federal and state administrative and judicial proceedings. The above-captioned proceeding is germane to Rate Counsel’s continued participation and interest in implementation of the

the Commission's continuing efforts to expand its base of knowledge about broadband demand and broadband deployment. The specific and immediate issue on which the Commission seeks comment in this phase of the data-gathering docket concerns the development of a nationwide broadband mapping program. Rate Counsel welcomes the opportunity to comment, and is hopeful that the development of comprehensive informational tools will result in the timely deployment of affordable broadband services to the nation's households and businesses.

The Commission seeks comment on:

- Adoption of a national broadband mapping program “with the objective of creating a highly detailed map of broadband availability nationwide,” which, in turn, will facilitate nationwide focus on bringing service to unserved areas,⁴
- Ways in which “such a program can provide useful information to other broadband initiatives undertaken by federal and state agencies and public-private partnerships, such as ConnectKentucky,”⁵
- “Whether and to what extent” the Commission “might work with the Department of Agriculture’s Rural Utilities Service in developing and using this mapping program, so as to combine the expertise of the Commission and its staff with that of the RUS in supporting rural infrastructure deployment,”⁶
- Its tentative conclusion that the Commission “should collect information that providers use to respond to prospective customers to determine on an address-by-address basis whether service is available” as well as the standardized formats that the Commission could use to collect information,⁷
- “[W]hether and how a nationwide broadband mapping program can incorporate the data collected on Form 477, including information on broadband service subscriptions by Census Tract and by speed tier,”⁸
- “[W]hether there are other sources from which the Commission should collect data to improve the output of the broadband service availability mapping program,”⁹

Telecommunications Act of 1996 (“Act” or “1996 Act”). Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 56 (“1996 Act”). The 1996 Act amended the Communications Act of 1934. Hereinafter, the Communications Act of 1934, as amended by the 1996 Act, will be referred to as “the 1996 Act,” or “the Act,” and all citations to the 1996 Act will be to the 1996 Act as it is codified in the United States Code.

⁴ / *FNPRM*, at para. 34.

⁵ / *Id.*

⁶ / *Id.*

⁷ / *Id.*, at para. 35.

⁸ / *Id.*

- “[H]ow to maintain the confidentiality of broadband service information while still providing a rich resource for use by other federal agencies, states, localities, and public-private partnerships in focusing resources on expanding broadband availability in a manner similar to the focusing of resources enabled by the Connect Kentucky project.”¹⁰

The Commission also indicates that it intends to apply an expedited comment cycle on the broadband mapping issue, and to issue a responsive Order within 4 months.¹¹

In these comments, Rate Counsel encourages the Commission to proceed with the proposed broadband mapping program. The Commission should authorize states to seek broadband deployment data directly from service providers at the most granular level possible, and the Commission then should compile the geographic data from the fifty states to construct a nationwide map of broadband deployment, using state of the art geographic information system (“GIS”) technology.¹² This deployment map should be then made available to policy-makers at all levels of government, as well as to consumers.

The Commission’s broadband policy, set forth in this and other pending proceedings, directly affects consumers’ ability to access the information-rich resources of the Internet, which, in turn, affects consumers’ ability to partake fully in mainstream economic and social activities.¹³

⁹ / *Id.*

¹⁰ / *Id.*

¹¹ / *FNPRM*, at para. 35.

¹² / As defined by one state agency, “A geographic information system (GIS) is a computer system capable of assembling, storing, manipulating, and displaying geographically referenced information (i.e. spatial data). Geographic information systems belong to a family of mapping and drafting programs that includes computer-aided design (CAD) and automated mapping and facilities management (AM/FM). GIS is distinguished from CAD and AM/FM by its capacity to perform complicated analytical functions that often include combining information from different sources to derive meaningful relationships.” <http://www.mass.gov/mgis/whatis.htm>

¹³ / Rate Counsel has participated actively in the Commission’s many broadband proceedings, which address matters as diverse as industry practices (CC Docket No. 07-52), broadband deployment (GN Docket No. 07-45), universal service support (WC Docket No. 05-337 and CC Docket No. 06-45) and consumer protection (WC Docket No. 05-271). *See In the Matter of Broadband Industry Practices*, WC Docket No. 07-52, *Notice of Inquiry*, FCC 07-31 (rel. April 16, 2007); *In the Matter of Inquiry Concerning the Deployment of Advanced Telecommunications Capability to All Americans in a Reasonable and Timely Fashion, and Possible Steps to Accelerate Such Deployment Pursuant to Section 706 of the Telecommunications Act of 1996*, GN Docket No. 07-45, *Notice of Inquiry*, FCC 07-21, rel. April 16, 2007; *In the Matter of High-Cost Universal Service Support*,

II. DISCUSSION

The Commission should adopt a national broadband mapping program.

Rate Counsel applauds the Commission's initiative to determine which Americans are at risk of being left as "narrowband consumers" in a broadband world. In comments submitted in an earlier phase of this docket, Rate Counsel recommended that the Commission collect data on broadband availability – specifically, the boundaries of broadband service providers' territories.¹⁴ Rate Counsel also cautioned the Commission against waiting for Congress to pass broadband mapping legislation.¹⁵ Rate Counsel reiterates its support for the Commission's leadership in the design and implementation of a comprehensive, national broadband mapping program, and commends the Commission for moving forward with its broadband data collection efforts on an expedited timetable.

In June 2008, the Organisation for Economic Co-operation and Development ("OECD") released the most recent results of its annual broadband survey. According to the OECD, the United States ranks 15th in broadband penetration, with 23.2 broadband subscribers per 100 inhabitants.¹⁶ Some have argued that international rankings such as these are biased against the

Federal-State Joint Board on Universal Service, WC Docket No. 05-337, CC Docket No. 96-45, *Notice of Proposed Rulemaking*, FCC 08-22, rel. January 29, 2008; *In the Matter of Consumer Protection in the Broadband Era*, WC Docket No. 05-271, *Report and Order and Notice of Proposed Rulemaking*, rel. September 23, 2005. Rate Counsel encourages the Commission to consider not only the discrete issues that these various proceedings raise, but also to consider the inter-relatedness of the proceedings as it shapes a coherent national broadband policy.

¹⁴ / Rate Counsel Initial Comments, June 15, 2007 ("Rate Counsel, June 15, 2007"), at 5, in WC Docket No. 07-38.

¹⁵ / *Id.*, at 6. On July 9, 2008, communications companies, industry associations, and other entities urged enactment of broadband mapping legislation (the Broadband Data Improvement Act, S 1492, and the Broadband Census of America Act, HR 3919). *TR Daily*, July 14, 2008. Although federal funds to support the development of a national, searchable map of broadband service availability clearly would enhance the Commission's efforts, it would be ill-advised for the Commission to await the enactment of federal legislation before proceeding in the design and implementation of a nationwide broadband mapping program.

¹⁶ / Organisation for Economic Co-operation and Development, Directorate of Science Technology, and Industry, Committee for Information, Computer, and Communications Policy, *Broadband Growth and Policies in OECD Countries*, June 2008, at Figure 1.4 and Table 1.d. (oecd.org/sti/ict/broadband)

United States for a variety of reasons, for example, because of our size, or our relatively low population density in much of the country.¹⁷ However, if the United States is to compete in this rapidly evolving global economy, where timely access to information is crucial, then affordable and ubiquitous access to the technology that makes the information economy possible – namely broadband access – is essential.

A critical step in reaching the goal of ubiquitous broadband availability in the United States is identifying unserved and underserved areas. Another important issue is identifying barriers to demand, such as affordability. As the Commission has pointed out, the Government Accountability Office (“GAO”) worked with Connected Nation to determine that the Commission’s current broadband reporting requirements (reporting the ZIP codes having at least one broadband customer) substantially overstate the actual level of broadband availability.¹⁸ In Kentucky, as of mid-2005, FCC’s current reporting requirements showed that 96 percent of residents lived in ZIP codes where broadband service was available. In contrast, GAO, working with Connected Nation, determined that only 77% of Kentucky households have broadband availability.¹⁹ Clearly, then, gaps exist in the Commission’s current information collection system, which a comprehensive national broadband mapping program could remedy.

The ideal mapping exercise would elicit current deployment data from all broadband service providers, yielding aggregated data that would be available to the Commission, state regulators, consumer advocates, and consumers to determine where broadband was available,

¹⁷ / See an alternative view in the reply comments of Consumers Union, Consumer Federation of America, and Free Press, July 16, 2007, at 22, observing that several countries with even lower population densities than the United States have higher broadband penetration rates.

¹⁸ / *FNPRM*, at footnote 22; See also *Notice of Proposed Rulemaking*, WC Docket No. 07-38, released April 16, 2007, at para. 26.

¹⁹ / United States Government Accountability Office, *Broadband Deployment Is Extensive throughout the United States, but It Is Difficult to Assess the Extent of Deployment Gaps in Rural Areas*, May 2006, at 17.

and where it was not. States could use the information to investigate the reasons for deficient deployment and the Commission could use the information to assist in targeting universal service support. Municipalities would be able to determine if it was in their interest to build municipal broadband facilities, or to band together with neighboring towns for shared facilities. The resulting deployment map would also allow consumers to see how many, and exactly which, carriers offered broadband service to a given address.

Several mapping projects have been undertaken, but not to the level of granularity that likely is necessary to identify adequately underserved and unserved consumers. In addition to Connect Kentucky, which the Commission praised for its role in identifying underserved areas,²⁰ the Massachusetts Department of Telecommunications and Cable and the Maine Public Utilities Commission (“MDTC/MEPUC”) pointed to two successful experiments in statewide mapping. In Massachusetts, the John Adams Innovation Institute of the Massachusetts Technology Collaborative conducted a consumer-level survey to determine which of Massachusetts’ 351 communities have multiple broadband service providers, which have one, which have none, and which are only partially served.²¹ MDTC/MEPUC also detailed several efforts in broadband mapping by officials in Maine, including the DSL coverage map that Maine officials constructed using data provided by Verizon as a condition for its approval of the Verizon-MCI merger. This map used company-provided DSL deployment data by address to show the exact extent of Verizon’s DSL deployment in Maine.²²

Another commenter in this proceeding, the National Association of Telecommunications Officers and Advisers (“NATOA”), pointed to efforts by the eCorridors project at Virginia Tech

²⁰ / *FNPRM*, at para 34.

²¹ / Joint Comments of The Massachusetts Department of Telecommunications and Cable and The Maine Public Utilities Commission, June 15, 2007, at 4, in Docket No. 07-38.

²² / *Id.*, at 5.

as proof of the concept of a user-generated map showing upload and download speeds experienced by consumers, not only in Virginia, but around the world.²³ This tool allows users to test the speed of their broadband connection, and to enter the name of the service provider, the amount paid each month, the technology used (*e.g.*, cable, DSL), and the nature of the service (residential or business). Although this tool does not provide a complete picture of broadband deployment, it does provide a rich view composed of granular data.

Each of these mapping projects takes a different approach to acquiring data, and each has its own advantages and disadvantages. While the Massachusetts project provides a comprehensive statewide portrait of broadband availability, the level of detail is relatively “un-granular.” The Virginia Tech project acquires data at a more granular level, but relies on voluntary submissions by geographically dispersed consumers. The efforts of Connect Kentucky and the Maine PUC demonstrate the importance of acquiring deployment data directly from service providers in order to achieve a comprehensive picture of broadband deployment.²⁴

Detailed nationwide mapping will facilitate broadband deployment.

Rate Counsel strongly recommends that the Commission share the information that it compiles with federal and state agencies, public-private partnerships, consumer advocates and consumers. Rate Counsel also urges the Commission to develop a nationwide mapping program in which the data can be updated easily. In previous comments, Rate Counsel urged the Commission to share the results of any broadband data collection with state public utility

²³ / Comments of The National Association of Telecommunications Officers And Advisors, The National Association of Counties, The U.S. Conference of Mayors, And The National League of Cities, June 15, 2007, at 12, in Docket No. 07-38. *See also* <http://www.ecorridors.vt.edu/maps/broadbandmap.php>.

²⁴ / Other states also have undertaken broadband mapping efforts. For example, in January 2008, the California Broadband Task Force released its final findings and recommendations in a report to the Governor and Legislature in a report entitled “The State of Connectivity: Building Innovation Through Broadband.” The report includes maps of current broadband availability and speed, recommendations to achieve universal access and increased use, and a timeframe in which to meet these critical goals. <http://www.calink.ca.gov/pdf/pressreleases/01-17-08.pdf>

commissions and consumer advocates, noting that detailed data is essential to the construction of effective policies and oversight at the state level.²⁵ Rate Counsel urges the Commission to promote a federal-state partnership in compiling geographic data. Local officials benefit from broadband mapping simply by knowing where broadband service is unavailable. Also, the ability to compare broadband deployment among jurisdictions will give states more information in negotiating with service providers, and, in some cases, to press for more thorough deployment. Municipalities can use deployment information to determine if the conditions are favorable for constructing a municipal broadband network, or for banding together with neighboring towns for shared facilities. Public-private partnerships could benefit by focusing on the best ways to serve unserved areas, and service providers could identify untapped and unserved markets.

Rate Counsel reiterates its recommendation that the Commission “explore collaborations with states that are already gathering information on broadband deployment,”²⁶ and also reiterates its support for the recommendation by MDTC/MEPUC that the Commission delegate data-gathering authority to the states.²⁷

The Commission should take the lead in establishing broadband mapping as a strategic priority, determine the data that should be collected (as well as any guidelines for the format of the data collection), and authorize states to collect and submit the data to the Commission for aggregation in a national mapping program.

Rate Counsel previously noted that “local knowledge, combined with standard data gathering procedures, is likely to yield the most complete and accurate picture of true broadband

²⁵ / Rate Counsel, June 15, 2007, at 6.

²⁶ / *Id.*, at 5.

²⁷ / Rate Counsel Reply Comments, July 16, 2007 (“Rate Counsel, July 16, 2007”), at 7. See also MTDC/MEPUC, at 6 and NASUCA, at 24, in WC Docket No. 07-38.

deployment.”²⁸ Rate Counsel continues to recommend that state authorities participate in data collection and have access to the end results of the broadband mapping program. Consumer advocates are well-positioned to assist in the review of any data that may be considered competitively sensitive as they lack any competitive stake or financial interest in the broadband market, and furthermore have a long history of maintaining the confidentiality of proprietary information.

The Commission should seek out the expertise of those with mapping experience.

Rate Counsel fully supports the Commission’s proposed partnering with the Rural Utilities Service (“RUS”) in mapping efforts to support rural infrastructure deployment,²⁹ but also urges the Commission to undertake mapping to identify unserved and underserved areas in *all* regions of the country, including suburban and urban areas. For example, examples abound of instances where some consumers within the service area of an incumbent local exchange carrier’s wire center can subscribe to digital subscriber line service (“DSL”), but those on the outskirts of the wire center area cannot.

Many federal agencies have expertise in mapping complex data. In addition to the RUS, the Forest Service – also within the Department of Agriculture – has extensive mapping experience. Additionally, the Commission should consider the resources of the U.S. Geological Survey, Department of Transportation, Environmental Protection Agency, the U.S. Census Bureau, and other organizations.³⁰ The Commission could also consider engaging GIS experts to

²⁸ / Rate Counsel, July 16, 2007, at 8, in WC Docket No. 07-38.

²⁹ / *FNPRM*, at para. 34.

³⁰ / For example, in the Commission’s initial mapping, it may be useful to obtain information from federal and state agencies that identify the boundaries of wilderness areas, national parks, protected open spaces and other similar areas so that broadband deployment can be focused on areas of existing and potential population.

help design the format and standards for the data that the Commission intends to collect to carry out a nationwide assessment of broadband deployment.

Rate Counsel also encourages the Commission to perform a “trial run” of the data request on a small subset of respondents. This will allow any deficiencies in the system to be identified and corrected early, before a nationwide data collection effort is initiated.

The nationwide mapping program should dovetail with the Form 477 data collection and with other relevant existing mapping databases.

Rate Counsel urges the Commission to coordinate the data that it collects through its Form 477 requirements with its nationwide mapping so that the mapping capabilities are constructed to show not only deployment of, but also demand for broadband service. Furthermore, the Commission should direct all companies that submit Form 477 data also to submit simultaneously the Form 477 information to state consumer advocates and public utility commissions.

The use of Census Tracts as the geographic unit for the nationwide map, which is now the basis for the Form 477 reporting, is a sensible approach that facilitates coordination with other mapping programs and data sets. In its *Form 477 Order*, the Commission has made its broadband reporting requirements more granular by requiring broadband service providers (wireline, terrestrial fixed wireless, and satellite) to submit subscriber counts by Census Tract.³¹ Also, broadband service providers will report residential customers separately from business

³¹ / *Form 477 Order*, at para. 14. Previously, broadband service providers provided subscribership data at the state level, and listed all ZIP codes with at least one customer. The Census bureau defines a Census Tract as a “small, relatively permanent statistical subdivision of a county delineated by a local committee of census data users for the purpose of presenting data. Census tract boundaries normally follow visible features, but may follow governmental unit boundaries and other non-visible features in some instances; they always nest within counties. Designed to be relatively homogeneous units with respect to population characteristics, economic status, and living conditions at the time of establishment, census tracts average about 4,000 inhabitants. They may be split by any sub-county geographic entity.” U.S. Census Bureau, http://factfinder.census.gov/home/en/epss/glossary_c.html (viewed March 12, 2008). *Id.*, at footnote 36.

customers, and will group customers by the upload and download speeds of service provided.³²

Rate Counsel urges the Commission to develop a nationwide program that includes mapping information about broadband demand, disaggregated between residential and business customers, and disaggregated by speed tiers.³³

Rate Counsel commends the Commission for abandoning ZIP codes in favor of Census Tracts as the basis of Form 477 reporting. However, for the purpose of a nationwide mapping program, the Commission should require (and authorize states to require) broadband suppliers to provide geocoded addresses of broadband availability. Geocoding allows for granular data collection – similar to that undertaken by Virginia Tech – and allow for easy integration of data into a GIS. The Commission should seek geocoded information from providers to minimize administrative burden on the Commission, and should seek relevant GIS information from states (e.g., data layers showing protected open spaces – where broadband deployment may not be necessary, political boundaries, etc.).

Incorporating Form 477 subscribership data with actual deployment data will allow the Commission to calculate broadband uptake at the Census Tract level. Combining these results

³² / Separate reporting for residential and business customers was not required by the original *Form 477 Order*. However, citing the comments of the New Jersey Division of Rate Counsel, the Commission, in its *Order on Reconsideration*, also released June 12, 2008, required the separate reporting of business and residential broadband customers. See *In the Matter of Development of Nationwide Broadband Data to Evaluate Reasonable and Timely Deployment of Advanced Services to All Americans, Improvement of Wireless Broadband Subscribership Data, and Development of Data on Interconnected Voice over Internet Protocol (VoIP) Subscribership*, WC Docket No. 07-38, *Order on Reconsideration*, Released: June 12, 2008, at para. 7 and n. 16.

³³ / In its *Form 477 Order*, the Commission updates the reporting categories for broadband service. More specifically, the Commission moves from five tiers describing the maximum connection speed (200 kbps to 2.5 mbps, 2.5 mbps to 10 mbps, 10 mbps to 25 mbps, 25 mbps to 100 mbps, and greater than 100 mbps) to eight speed tiers. The new speed tiers are: (1) greater than 200 kbps but less than 768 kbps; (2) equal to or greater than 768 kbps but less than 1.5 mbps; (3) equal to or greater than 1.5 mbps but less than 3.0 mbps; (4) equal to or greater than 3.0 mbps but less than 6.0 mbps, (5) equal to or greater than 6.0 mbps but less than 10.0 mbps; (6) equal to or greater than 10.0 mbps but less than 25.0 mbps; (7) equal to or greater than 25.0 mbps but less than 100.0 mbps; and (8) equal to or greater than 100 mbps. *Id.*, at para. 20.

with other data sets (such as demographic data, road data, etc.) can assist policy makers in identifying and eliminating barriers to broadband deployment and demand.³⁴

The Commission should carefully balance suppliers' interest in protecting potentially competitively sensitive information against policy makers' need for accurate and detailed geographic data.

In earlier comments, the People of the State of Illinois ("Illinois") anticipated objections from service providers that granular reporting of broadband availability might compromise confidentiality. Rate Counsel agrees with Illinois' statement that "[c]arriers' confidentiality concerns should not block the Commission from gathering subscribership and availability [data] at the most precise level possible."³⁵

The public interest is not served by preserving secrecy in broadband deployment. Surely, if *any consumer* can use Verizon's website, for example, to check DSL or FiOS availability for *any address*, then the underlying data cannot legitimately be considered confidential. While Rate Counsel agrees that some operational data might conceivably be considered proprietary, the extent of deployment of a service that is rapidly becoming *basic and essential* to everyday life should not be considered proprietary.

Mapping is essential to inform the distribution of any broadband monies that the federal universal service fund may provide to support deployment in underserved and unserved areas.

Rate Counsel urges the Commission to coordinate its mapping program with its universal service program. The nationwide mapping of deployment and subscribership can help state and federal policy makers identify areas of the country where broadband service is unavailable and

³⁴ / See, e.g., the Census Bureau's TIGER data ("Topologically Integrated Geographic Encoding and Referencing system). <http://www.census.gov/geo/www/tiger/index.html>

³⁵ / Rate Counsel, July 16, 2007, at 4. See also People of the State of Illinois, June 15, 2007, at 4-5, in Docket No. 07-38.

where broadband demand is disproportionately low. Furthermore, Rate Counsel reiterates its recommendation, made in the context of the Commission's universal service reform that:

In addition to obtaining current deployment data from current service providers, Rate Counsel recommends that the Commission obligate those supported by the Broadband Fund to report the projected broadband build-out that would result from USF support with detailed geographic information. Furthermore, at the conclusion of the support term, the grantees should be required to compare actual deployment with planned deployment.³⁶

III. CONCLUSION

Rate Counsel supports fully the Commission's leadership on nationwide broadband mapping. Rate Counsel urges the Commission to collaborate with other federal agencies and with states in its design of a broadband mapping program and the data gathering that is essential to such an important endeavor. Rate Counsel urges the Commission to share any data that may be deemed proprietary with state regulators and state consumer advocates, subject to the appropriate treatment of confidential information. Finally, Rate Counsel looks forward to reviewing the other comments filed in this docket.

Respectfully submitted,

RONALD K. CHEN
PUBLIC ADVOCATE

Stefanie A. Brand
Director

By: Christopher J. White
Christopher J. White, Esq.
Deputy Public Advocate

July 17, 2008

³⁶ / In the Matter of High-Cost Universal Service Support, Federal-State Joint Board on Universal Service, WC Docket No. 05-337, CC Docket No. 96-45, Notice of Proposed Rulemaking, FCC 08-22, rel. January 29, 2008, Rate Counsel Initial Comments, April 17, 2008, at 25-26.

